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May 12, 2005

## Via Electronic Mail with Hard Copy to Follow via Overnight Delivery

800 MHz Transition Administrator  
c/o Robert B. Kelly, Esquire  
Squire, Sanders & Dempsey, LLP  
1201 Pennsylvania Avenue., N.W.  
P.O. Box 407  
Washington, D.C. 20044-0407

RE: EA License Election for North Sight Communications, Inc.

Dear Mr. Kelly:

On behalf of our client, North Sight Communications, Inc., and related parties<sup>1</sup> (collectively, "North Sight") we hereby make the election under WT Docket No. 02-55 and pursuant to the Transition Administrator's April 21, 2005 press release with respect to North Sight's licenses, as set forth in this letter.

North Sight is an EA licensee in the ESMR Block, holding the C Block (863-866 MHz) in EA 174 (Puerto Rico & U.S. Virgin Islands) (the "EA License"). North Sight is also a licensee of site-based trunked licenses between 851-866 MHz within EA 174 (collectively, the "YX Licenses"), spanning the New NPSPAC Block, the Interleaved spectrum, the Guard Band, the Expansion Band, and the ESMR Block as those terms are

<sup>1</sup> North Sight Communications, Inc. and Trunked Systems Puerto Rico, Inc., are each under the common control of president and majority stockholder Wilfredo Miranda. The parties have signed an agreement for the acquisition of WNXE795 (Wilfredo Miranda) and WNNP549 (Trunked Systems Puerto Rico, Inc.) by North Sight Communications, Inc., and applications requesting assignment of these licensees to North Sight will be filed at the Commission before the start of relocation negotiations for Wave 2. Consequently, WNXE795 and WNNP549 and included in this election.

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defined by the Federal Communications Commission in the *Report & Order*.<sup>2</sup> Although its YX Licenses for frequencies in the 861-863 MHz band were subject to mandatory relocation under the Commission's Upper 200 proceeding,<sup>3</sup> the A-Block licensee High Tech Communications, Inc. (WPLM234) and the B-Block licensee Nextel License Holdings 5, Inc. (WPOH416) chose not to invoke this right, allowing North Sight to maintain indefinitely its incumbent operations under those YX Licenses.<sup>4</sup>

North Sight currently operates an iDEN cellular architecture ESMR system in the Commonwealth of Puerto Rico conducted under the authority of both its EA License and the YX Licenses.<sup>5</sup> As such, it desires to relocate all of its licenses to the ESMR Block. North Sight hereby elects:

- 1) To maintain its EA license, WPLM205, with 120 frequencies (863-866 MHz), in the ESMR Block.

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<sup>2</sup> Public Safety Communications in the 800 MHz Band, WT Docket 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum and Order, and Order*, 19 FCC Rcd 14969 ¶¶151-152 (2004). (the "Order")

<sup>3</sup> See generally *Auction of 800 MHz Specialized Mobile Radio Service Licenses*, 13 FCC Rcd 1875 (1997).

<sup>4</sup> 47 C.F.R. §90.699.

<sup>5</sup> North Sight (doing business as Proxtel Wireless) currently operates "a high-density system which: (1) has more than five overlapping interactive sites featuring hand-off capability; and (2) any one of such sites has an antenna height of less than 30.4 meters (100 feet) above ground level with an antenna height above average terrain (HAAT) of less than 152.4 meters (500 feet)." 47 C.F.R. §90.7. While none of North Sight's sites operated with 20 paired frequencies in its iDEN system as of the publication of the Order in the Federal Register (November 22, 2004), it has the licensed authority and financial means to conduct such operations. Conventional spectrum engineering holds that a seven-site system requires a total of 60 usable frequencies for effective reuse. North Sight has substantial use of over 100 frequencies in most areas of its EA, and is currently operating two side-by-side systems as it migrates its customers from analog SMR to digital iDEN. Furthermore, North Sight is operating twenty channels at a site in its analog system, and those analog channels will be converted to cellular operations. The Commission's concern in limiting twenty-channel sites in "high density" systems comes from the extreme potential for harmful interference created by this critical mass of in-band RF energy at a single low site. Therefore, it is in the public interest to permanently relocate these operations out of the non-cellular block, where they will be intermingled with traditional SMR operations and create a high likelihood of exactly the type of harmful interference the relocation process is meant to prevent.

North Sight asserts that, given the preponderance of these facts, it meets the material definition of an operating ESMR under the Order and therefore is entitled to fully compensated relocation for its site-specific licenses to spectrum above 862 MHz in order to prevent the near-certainty of future harmful interference.

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- 2) That the following thirty-two (32) frequencies, currently supporting ESMR operations, remain within the ESMR Block: WPBH826 (862.8875; 863.8875; 864.8875; 865.8875 MHz); WNMJ534 (862.3875; 862.4625; 863.3875; 863.4625; 864.3875; 864.4625; 865.3875; 865.4625 MHz); WNNP545 (862.4125; 863.4125; 864.4125; 865.4125 MHz); WNXZ680 (862.1375; 863.1375; 864.1375; 865.1375 MHz); WNXE795 (862.1625; 863.1625; 864.1625; 865.1625 MHz); WNNP549 (862.6625; 862.9875; 863.6625; 863.9875; 864.6625; 864.9875; 865.6625; 865.9875 MHz).
- 3) That the following six (6) frequencies subject to mandatory relocation be relocated to the ESMR Block: WPFA281 (851.2875; 851.3625; 852.5875; 852.6875; 852.9125; 853.0625 MHz).
- 4) That the following eight (8) frequencies, subject to voluntary relocation with full compensation as existing ESMR operations in conjunction with ESMR operations under an EA license in the same EA, be relocated from the Interleaved spectrum to the ESMR Block: WPHN735 (856.0125; 857.0125; 858.0125; 859.0125 MHz); WNNP549 (856.0875; 857.0875; 858.0875; 859.0875 MHz).
- 5) That the following two (2) frequencies, subject to voluntary relocation with full compensation as existing ESMR operations in conjunction with ESMR operations under an EA license in the same EA, be relocated from the Expansion Band to the ESMR Block: WPHN735 (860.0125 MHz); WNNP549 (860.0875 MHz).
- 6) That the following eight (8) frequencies, subject to voluntary relocation with full compensation as existing ESMR operations in conjunction with ESMR operations under an EA license in the same EA, be relocated from the Guard Band to the ESMR Block: WNNP545 (861.4125 MHz); WNXZ680 (861.1375 MHz); WNMJ534 (861.3875; 861.4625 MHz); WPBH626 (861.8875 MHz); WNXE795 (861.1625 MHz); WNNP549 (861.6625; 861.9875 MHz).

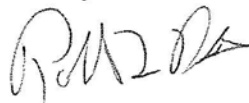
Although North Sight recognizes the TA has discretion in the allocation of frequencies within the ESMR Block, it requests that, to the greatest extent possible, primary consideration be given to providing North Sight with fully contiguous spectrum within the reorganized ESMR block. Contiguous spectrum will allow North Sight to take full advantage of spectrally-efficient features within the iDEN architecture to provide capacity to its growing subscriber base.

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Pursuant to this election, North Sight certifies: (i) that it has the requisite spectrum capacity to build and operate an ESMR system as defined in 47 C.F.R. §90.7; (ii) that it is currently operating a commercially available ESMR system serving customers in Puerto Rico; and (iii) that it intends to continue to operate its ESMR system on the relocated spectrum.

Thank you for your cooperation in these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "RLR", with a stylized flourish at the end.

Robert L. Ritter



P.O. Box 51148, Levittown, P.R. 00950-1148  
Phone: (787) 784.4469 Fax: (787) 625.9998

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UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I, Wilfredo Miranda, President of North Sight Communications, Inc., have reviewed the attached letter prepared on our behalf by counsel, and I hereby certify under penalty of perjury that the information contained therein is true and correct. Executed on May 12, 2005.

By: 

Wilfredo Miranda, President  
North Sight Communications, Inc.  
P.O. Box 51148  
Levittown, PR 00950-1148  
(787) 784-4469